

REMARKS

Applicant has carefully studied the Office Action of June 17, 2005 and offers the following remarks in response thereto. Applicant has attempted to secure a telephonic interview with an Examiner having signatory authority, but has so far been unable to arrange such an interview. Applicant appreciates the interim follow-up call from Examiner Sherkat on September 14, 2005 when the timing of the interview was discussed and a few insights were provided about the Patent Office's position. Applicant files the current response to avoid paying any extension of time fees and also to serve as the basis for an interview that may be scheduled after the three month date of the Office Action of June 17, 2005.

Claims 1-3, 5, 8, 12, 15-17, 21, and 25-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cain et al. (hereinafter "Cain"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every element of the claim is located in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

As Applicant has previously argued both in writing and in the interviews with Examiners Sherkat and Sheikh, the present invention is directed to managing a pinhole opening in a firewall so that the communication may go **through** the firewall. The claims specifically recite "opening a pinhole in said firewall" (claim 1), "means for sending a request message to said firewall requesting that a pinhole be opened in said firewall" (claim 8), "means for opening a pinhole in said firewall" (claims 12 and 15), "computer program code in said firewall for opening a pinhole" (claim 16), "for sending a request message to said firewall requesting that a pinhole be opened in said firewall" (claim 21), "code for opening a pinhole in said firewall" (claims 25 and 26), and "for remotely instructing said firewall to open and close pinholes in said firewall" (claim 27). In each claim, the pinhole is made in the firewall itself. Furthermore, at least independent claims 1 and 16 have language to the effect that the routing occurs "through the firewall". Passing the communication "through the firewall" via opening a pinhole in the firewall is not shown by Cain.

As explained by Examiner Sherkat on September 14, 2005, during the previous interview agreement was not reached, but rather the Examiner merely agreed to reconsider the rejection. Applicant's previous representative's remarks do not reflect this understanding. Likewise, Applicant would not have agreed to withdraw the Appeal and file the Request for Continued

Examination without the understanding that the Cain rejection would be withdrawn and either a new rejection presented or the claims allowed. Rather, Applicant would have continued with the Appeal that was pending at that time. Regardless, Applicant is now confronted with the same rejection.

In the current Office Action, the Patent Office repeats the Cain rejections without further explanation for why Applicant's arguments did not overcome the rejections. During the conversation with Examiner Sherkat on September 14, 2005, Examiner Sherkat explained that the "pinhole" language of the claim was very broad and could encompass the bypass route of the reference. Applicant respectfully disagrees and hopes that this issue may be resolved during the telephonic interview that Applicant has requested.

For convenience, Applicant again represents its previous arguments. Cain is directed to a method and system for providing secured access to a server protected by a firewall router by establishing a bypass communication route around the firewall router. See Cain, col. 2, lines 8-17 and Cain's Abstract. The bypass route is illustrated in Figure 1 of Cain (along with the supporting description), which shows the bypass route established through network connections 28, 26, and 30 using the external machine 22 and the internal machine 24. Thus, Cain clearly circumvents the firewall router and does not permit secure communications through the firewall router 16, nor does Cain allow a pinhole to be opened in the firewall router as recited in the claims. As discussed with Examiner Sherkat, no reasonable interpretation of through the firewall in conjunction with a pinhole in the firewall is the same as "the bypass route". Since the claims clearly recite communication through the firewall and opening the pinhole in the firewall, and Cain routes around the firewall, Cain does not teach or suggest the claimed elements. The bypass method of Cain simply does not anticipate or render obvious the claimed invention. As Applicant stressed during the conversation with Examiner Sherkat on September 14, 2005, anticipation requires identity between the reference and the claimed invention, and on this record, Cain does not anticipate the claimed invention because the bypass is not the same as the pinhole going "through the firewall" as recited in the claims. Applicant requests withdrawal of the § 102 rejection of claims 1-3, 5, 8, 12, 15-17, 21, and 25-27 at this time.

Claims 4, 6, 9, 11, 13, 18, 20, 22, 24, 28, and 29 were rejected under 35 U.S.C. § 103 as being unpatentable over Cain in view of Kimchi et al. (hereinafter "Kimchi"). For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every

element of the claim is located in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

As explained above, Cain does not teach communicating through the firewall, nor does Cain teach or suggest opening a pinhole in the firewall. Nothing in Kimchi cures the deficiencies of Cain. Since the references individually do not teach or suggest the claim elements, the combination of references cannot teach or suggest the claim elements. Since the combination of references cannot teach or suggest the claim elements, the combination does not establish obviousness. Since the combination does not establish obviousness, the claims are allowable. Applicant requests withdrawal of the § 103 rejection of claims 4, 6, 9, 11, 13, 18, 20, 22, 24, 28, and 29 at this time.

Claims 7, 10, 14, 19, and 23 were rejected under 35 U.S.C. § 103 as being unpatentable over Cain in view of Putzolu et al. (hereinafter "Putzolu"). Applicant respectfully traverses. The standard for establishing obviousness is set forth above.

As explained above, Cain does not teach communicating through the firewall and does not teach or suggest opening a pinhole in the firewall. Nothing in Putzolu cures the deficiencies of Cain. Since the references individually do not teach or suggest the claim elements, the combination of references cannot teach or suggest the claim elements. Since the combination of references cannot teach or suggest the claim elements, the combination does not establish obviousness. Since the combination does not establish obviousness, the claims are allowable. Applicant requests withdrawal of the § 103 rejection of claims 7, 10, 14, 19, and 23 at this time.

Applicant requests reconsideration of the rejections in light of the remarks presented herein. Applicant continues to request a telephonic interview. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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